

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA**

GWACS Armory, LLC,)	
)	
Plaintiff,)	Case No.: 4:20-cv-341-JDR-SH
)	
v.)	
)	
KE ARMS, LLC et al.,)	
)	
Defendants.)	

PLAINTIFF’S UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW, Plaintiff GWACS Armory, LLC (“GWACS”), by and through its attorneys of record, James E. Weger (“Weger”) and Tadd J.P. Bogan (“Bogan”), of the law firm of Jones, Gotcher & Bogan, P.C., and pursuant to LGnR 4-5, respectfully requests the Court enter and order continuing the October 15, 2024, jury trial in the above-styled and numbered matter, as scheduled by Minute Order [Dkt. #225] on April 24, 2024, and in support states as follows:

1. On April 24, 2024, the Court entered the following Minute Order: “upon reassignment and review of this matter, this case is set for jury trial on October 15, 2024 at 9:00 a.m. The parties are ordered to participate in a settlement conference through OKND Alternate Dispute Resolution (ADR) program no later than August 1, 2024, setting/resetting deadline(s)/hearing(s): (Jury Trial set for 10/15/2024 at 9:00 AM before Judge John D Russell).” See Minute Order [Dkt. #225].

2. Counsel for GWACS, Bogan, has another jury trial scheduled to begin on October 21, 2024, in the District Court in and for Creek County, Oklahoma, *Thomas Roberson et al. v. Birch Company, LLC et al.*, Case No. CJ-2020-127 (the “Roberson Case”).

3. The Roberson Case was filed on May 11, 2020, and the case *sub judice* was filed on July 15, 2020.

4. The order setting the jury trial in the Roberson Case was entered on March 8, 2024, and the order setting this case for jury trial was entered on April 24, 2024.

5. The parties to the Roberson Case participated in mediation on June 7, 2024, but were not able to settle the Roberson Case.

6. The parties to this action participated in their third settlement conference on July 9, 2024, and were unable to resolve this matter. *See* Settlement Conference Report [Dkt. #231].

7. The Roberson Case is a complex residential construction defect case against a general contractor and four (4) subcontractors and involves five (5) different defendants and six (6) law firms. Therefore, the Roberson Case would be very difficult to reschedule.

8. Further, the Plaintiffs in the Roberson Case plan to call 14 witnesses to support their claims, and the defendants have listed 23 witnesses they plan to call in support of their defenses.

9. The Roberson Case was previously continued by Creek County District Court from the December 11, 2023, jury term to the October 21, 2024, jury term.

10. Bogan is the only attorney for the plaintiffs in the Roberson Case and cannot adequately prepare for such a complex jury trial if the trial in this case begins on October 15, 2024.

11. Further, if the trial herein lasts more than four (4) days, it will overlap with the beginning of the trial in the trial of the Roberson Case.

12. Weger conducted three (3) of the nine (9) depositions taken by GWACS in this case, and Bogan conducted six (6) of the nine (9) depositions taken by GWACS, and each will equal share responsibility at trial. The trial in this case, and GWACS's interests, cannot be adequately protected by other counsel.

13. Based upon the foregoing, GWACS requests the Court set this case for trial in or after February of 2025, as Weger has a trial scheduled for November 4 – 7, 2024, and Bogan is traveling to Mexico on December 16, 2024, for his wedding and subsequent honeymoon.

14. On August 8, 2024, counsel for GWACS contacted counsel for defendant KE Arms, LLC ("KEA") to determine if KEA objected to the relief sought herein, and on August 16, 2024, KEA's counsel responded thereto and has **no objection** to the continuance of the trial in this matter.

WHEREFORE, premises considered, Plaintiff, GWACS Armory, LLC, prays the Court enter an Order continuing the jury trial scheduled herein on October 15, 2024, and reset the same on the Court's jury term in or after February of 2025.

Respectfully submitted,

JONES, GOTCHER & BOGAN, P.C.

s/Tadd J.P. Bogan

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**Attorneys for Plaintiff, GWACS Armory,
LLC**

CERTIFICATE OF SERVICE

I hereby certify that on August 19, 2024, I electronically transmitted the attached document to the Clerk of Court using the Electronic Case Filing System for filing. Based on the record currently on file in this case, the Clerk of Court will transmit a Notice of Electronic Filing to those registered participants of the ECF System.

s/Tadd J.P. Bogan

Tadd J. P. Bogan